

HOUSE BILL 269

M1

2lr0018

By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: January 27, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Boating – Disclosure of Personal Information**

3 FOR the purpose of narrowing the prohibition against and exception for the disclosure
4 of certain records held by the Department of Natural Resources by applying the
5 prohibition and exception only to personal information about the owner of a
6 registered vessel; clarifying the application of certain exceptions to the
7 prohibition under certain circumstances against the Department disclosing
8 certain personal information about an owner of a registered vessel; and
9 generally relating to disclosure of records held by the Department of Natural
10 Resources.

11 BY repealing and reenacting, without amendments,
12 Article – Natural Resources
13 Section 8–704.1
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2011 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 10–616(s)
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2011 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article – Natural Resources**

24 8–704.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as provided in subsection (b) of this section, upon written request
 2 by the owner of a vessel registered under this subtitle that information about that
 3 person not be disclosed, the Department may not furnish to any person the name,
 4 address, or other identifying information about the owner of the registered vessel.

5 (b) This section does not prevent the Department from furnishing
 6 information under this section:

7 (1) To another governmental agency;

8 (2) If not requested for the purpose of preparing a mailing list, to a
 9 person requesting the information in connection with the compilation of statistical
 10 data;

11 (3) As to the owners of vessels registered under this subtitle, to a
 12 person whose request for the information is determined by the Department to be
 13 limited to, and necessary for, the protection of the ownership, safe operation, proper
 14 maintenance, or repair of the vessel; or

15 (4) To a financial institution, as defined in § 1–101(i) of the Financial
 16 Institutions Article, or its agents, employees, or contractors, requesting information
 17 under § 10–616(s) of the State Government Article.

18 Article – State Government

19 10–616.

20 (s) (1) **[Except as provided in] SUBJECT TO § 8–704.1 OF THE**
 21 **NATURAL RESOURCES ARTICLE** AND paragraph (2) of this subsection, a custodian
 22 may not knowingly disclose a public record of the Department of Natural Resources
 23 containing personal information **ABOUT THE OWNER OF A REGISTERED VESSEL**.

24 (2) Notwithstanding paragraph (1) of this subsection, a custodian shall
 25 disclose personal information **ABOUT THE OWNER OF A REGISTERED VESSEL** for use
 26 in the normal course of business activity by a financial institution, as defined in §
 27 1–101(i) of the Financial Institutions Article, its agents, employees, or contractors, but
 28 only:

29 (i) to verify the accuracy of personal information submitted by
 30 the individual to that financial institution; and

31 (ii) if the information submitted is not accurate, to obtain
 32 correct information only for the purpose of:

33 1. preventing fraud by the individual;

34 2. pursuing legal remedies against the individual; or

